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EXAMINER	
JAWORSKI, F	
ART UNIT	PAPER NUMBER
335	14

DATE MAILED: 11/03/80

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined. Responsive to communication filed on July 2, 1980 This action is made final.

A shortened statutory period for response to this action is set to expire Three month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892 2. Notice of Informal Patent Drawing, PTO-948
3. Notice of References Cited by Applicant, PTO-1449 4. Notice of Informal Patent Application, Form PTO-152

Part II SUMMARY OF ACTION

5. _____

1. Claims 1-72 are pending in the application.

Of the above, claims 1-26, 42-54 are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 27-31, 37-40, 45-61 are rejected.

5. Claims 32-36, 41, 62-72 are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. The formal drawings filed on _____ are acceptable.

8. The drawing correction request filed on _____ has been approved. disapproved.

9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
 been received. not been received. been filed in parent application, serial no. _____,

filed on _____.

10. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

11. Other

The following changes to the application are suggested, or comments are made regarding the specification:

page 1, lines 4,8 - Change "(20)" to --(10)-- or --(18)--.

page 2, line 9 - Unclear how the principles disclosed in later portions of the specification would support applicability of the invention to dispensing of a "granulated solid" since the disclosed principles relate to fluidics.

page 5- delete line 15 (redundant).

page 6, line 15 to --resistor--, delete last word "pressure" (redundant).

page 7, line 12 "magnetic" to --magnetizable--?

page 10, line 22 suggests that numeral "30" shown in Figures 2 and 3 should point to the region below region 28 in Figure 3 and not to the (imaginary) dividing line. Apparently, 32 the power supply section is a sub-portion of 30, however.

page 12, line 24 "322" to --320--.

page 13, lines 20 to bottom of page - Why are connections 318 to 328 and 328 to 330 shown as dual leads in the generalized system diagram of Fig. 5?

page 16, line 7 - Amendment change to this line (refer to Paper No. 3 filed June 11, 1979) has not been entered - word "transmit" does not appear.

page 17, line 11 - Insert has been made of change designated for line 10 in the aforementioned amendment paper.

page 19, line 15 "is" (1st occurrence) to --it--.

page 19, bottom to page 20 - Unclear what is being suggested here. Insulin injection subcutaneously has been the example of medicament use. If these passages are a generic suggestion that the antechamber may be located remote from the

remainder of implant 2, why imbed the antechamber in the skull as opposed to an accessible location proximate the remainder of the implant?

Claim 37 is rejected under 35 USC 112, para 2, for lack of antecedent for "electronic means".

Claim 40 is rejected under 35 USC 112, para 2 as lacking structure to support function. Claim recites method step; ambient pressure might be used by programmer in setting by any threshold mechanism.

Claim 59 is rejected under 35 USC 112, para 2, as vague and indefinite. Term "any implanted control means" renders it unclear whether other recitations than claim 56 can be called "control means" etc.

Claims 27-31 are rejected under 35 USC 103 as obvious based on Lenzkes and Walters. These claims absent any positive recitation of fluidic elements are directed to an implantable biotelemetry control module adapted for medicament infusion use. The heart may be used to effect medicament infusion therefore the claims conflict with the known controlled implant art.

Claims 27,37-38 are rejected under 35 USC 103 as obvious based on Spencer in view of Lenzkes. Claimed features implicit in disclosure of Spencer in view of known biotelemetric implant art.

Claims 32-36 are objected to for depending upon a rejected claim but are allowable written in independent, self-contained format.

Claims 39-40 are rejected under 35 USC 103 as obvious based on Spencer in view of Lenzkes and the Crone et al complete paper as presented. The latter is a table-top, remote computer coupable or locally units (keyboard) programmable medicament infusor used with an external infusion pump. Obvious in view of the article to poll parameters within an infusion system to check if within operational limits.

Claim 41 is objected to but would be allowable submitted in independent, self-contained formats.

Claim 55 is rejected under 35 USC 103 as obvious over Spencer et al.

Claim 56 is rejected under 35 USC 103 as obvious based on Spencer in view of Crone et al as argued above.

Claims 57-61 are rejected under 35 USC 103 as obvious based on Spencer in view of Crone et al and Blackshear. Obvious in view of the latter to configure the medicament chamber, e.g. non-leaking infusion septum to function unidirectionally.

Claims 62-72 are objected to for dependency upon a rejected claim but are allowable written in independent, self-contained format.

Ellinwood, Haerten et al, Clemens et al are cited as of general interest.

References of which a copy was submitted in the prior art statements have been reviewed and made of record in accordance with MPEP 609.

F. Jaworski:rk
703-557-3144
10/14/80

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GROUP ART UNIT 335